

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: \_\_\_\_\_**

Kristine Boughton,

Plaintiff,

v.

Haster Law Office, P.A. and Tyler Trill,  
individually,

Defendants.

**COMPLAINT**

**WITH JURY TRIAL DEMANDED**

**INTRODUCTION**

1. Plaintiff's Complaint is based on Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* ("FDCPA").

**JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the conduct at issue occurred in this District, Plaintiff resides in this District, and Defendants conduct business in this District.

**PARTIES**

4. Plaintiff, Kristine Boughton (hereinafter "Plaintiff"), is a natural person who resides in the City of Coon Rapids, County of Anoka, State of Minnesota. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant, Haster Law Office, P.A. (hereinafter “Defendant Haster Law”), is a debt collection law firm incorporated under the laws of the State of Minnesota; is licensed to do business in Minnesota; and has a principal place of business located at 6640 Shady Oak Road, Suite 340, Eden Prairie, Minnesota 55344. Defendant Haster Law regularly engages in the collection of consumer debts in the District of Minnesota through the use of mailings and telephone calls. Defendant Haster Law regularly attempts to collect consumer debts alleged to be due another. Defendant Haster Law is, therefore, a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).
6. Defendant, Tyler Trill (hereinafter “Defendant Trill”), is a legal assistant with Defendant Haster Law and personally assisted Defendant Haster Law in the attempted recovery of Plaintiff Boughton’s alleged debt. Defendant Trill is, therefore, also a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

7. On April 10, 2015, Plaintiff received an initial telephone call on her personal cell phone from Defendant Trill who was calling on behalf of Defendant Haster Law.
8. Plaintiff was unable to answer her personal cell phone at the time of the call so Defendant Trill left a voice message on Plaintiff’s answering machine stating the following:

*Defendant Trill: Ah, Kristine Boughton, this is Tyler Trill calling from Attorney Haster’s Office. We are going to speak with you today regarding a, looks like a document we received from the county. Ah, direct number where you can reach me is 952-540-4796. Thank you.*

9. Upon making this telephone call and leaving the aforementioned voice message, Defendant Haster Law and Defendant Trill violated 15 U.S.C. § 1692d by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.
10. Upon making this telephone call and leaving the aforementioned voice message, Defendants violated 15 U.S.C. § 1692e(11) by failing to disclose in their initial communication with Plaintiff that they were debt collectors attempting to collect a debt and that any information obtained would be used for that purpose.
11. Upon making this telephone call and leaving the aforementioned voice message, Defendants violated 15 U.S.C. § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.
12. Upon listening to the voice message, Plaintiff immediately became worried, stressed, and confused because she had no idea what document Defendant Trill was referring to or why someone from an attorney's office would be calling her personal cell phone.
13. Soon thereafter, Plaintiff began experiencing serious migraine headaches stemming from the stress and anxiety that occurred as a result of Defendant Trill's telephone call.
14. Plaintiff's migraine headaches became so serious that she had to leave work early on the morning of April 12, 2015 to go to the Emergency Room for medical treatment.

15. Upon leaving the Emergency Room, Plaintiff received a prescription of Sumatriptan to help treat her migraine headaches.

**TRIAL BY JURY**

16. Plaintiff is entitled to and hereby demands a trial by jury. U.S. Const. Amend. VII; Fed. R. Civ. Pro. 38.

**CAUSE OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT –  
15 U.S.C. § 1692 *et. seq.***

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
18. The foregoing acts and omissions of Defendants constitutes violations of the FDCPA as outlined above.
19. Defendants engaged in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.
20. Defendants failed to disclose in their initial oral communication with Plaintiff that they were debt collectors attempting to collect a debt and that any information obtained would be used for that purpose, in violation of 15 U.S.C. § 1692e(11).
21. Defendants used unfair or unconscionable means to collect or attempt to collect any debt from Plaintiff, in violation of 15 U.S.C. § 1692f.

22. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages and statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A), and reasonable attorney's fees and costs, pursuant to 15 U.S.C. § 1692k(a)(3), from both Defendants.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that relief be granted as follows:

- That judgment be entered against the Defendants for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and (B);
- That judgment be entered against the Defendants for actual damages;
- That the Court award costs and reasonable attorney's fees from Defendants, pursuant to 15 U.S.C. § 1692k(a)(3); and
- That the Court grants such other and further relief as may be just and proper.

Dated this 20th day of May, 2015.

Respectfully submitted,

By: s/Thomas J. Lyons Jr.  
Thomas J. Lyons, Jr., Esq.  
Minnesota Attorney I.D. #: 249646  
**CONSUMER JUSTICE CENTER, P.A.**  
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***ATTORNEY FOR PLAINTIFF***

**VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF**

STATE OF MINNESOTA )  
                         ) ss  
COUNTY OF ANOKA     )

I, Kristine Boughton, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information, and belief, formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s) named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Kristine Boughton  
Kristine Boughton

Subscribed and sworn to before me  
this 18th day of May, 2015.

s/Reinhard Clausen  
Notary Public